

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT WRIGHT,

Plaintiff,

Case No. 14-cv-12476

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

BEST RECOVERY SERVICES LLC,

UNITED STATES MAGISTRATE JUDGE  
DAVID R. GRAND

Defendant.

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**ORDER ON DEFENDANT’S MOTION FOR THE COURT TO REVIEW CLERK’S DENIAL  
OF BILL OF COSTS AND DENIAL OF AMENDED BILL OF COSTS [72]**

This matter is before the Court on the Defendant’s Motion for the Court to Review Clerk’s Denial of Bill of Costs [69] and Denial of Amended Bill of Costs [71]. Dkt. No. 72. In its Motion, Defendant ask the Court to review the Clerk’s denial of Defendant’s Bill of Costs, pursuant to the Eastern District of Michigan’s Bill of Costs Handbook, grant Defendant’s Amended Bill of Costs, and tax costs to Plaintiff in the amount of \$2,564.63.

The Court awarded Defendant costs in its order on February 24, 2016. Dkt. No. 67. On March 21, 2016, Defendant filed its Bill of Costs, which was denied by the Clerk’s Office due to Defendant’s failure to attach documentation for costs associated with its necessary witness, James McLean. *See* Dkt. No. 68, 69. After

reviewing the Eastern District of Michigan's Bill of Costs Handbook, Defendant corrected its error and amended its costs. Dkt. No. 70.

Defendant's amended submission was also denied, based on a provision in the Bill of Costs Handbook that states that "[a]fter the taxation clerk has taxed costs, counsel for either side may, within seven days, file a motion to review the action of the taxation clerk and request a review by the Court." *See* Bill of Costs Handbook, § I(B); Dkt. No. 71. Defendant acknowledged its error and accordingly filed this motion within the allowable time period. Dkt. No. 72.

Federal Rule of Civil Procedure 54(d)(1) allows this Court, in its discretion, to review the Clerk's Taxation of Costs upon the timely filing of a party's motion. The Bill of Costs Handbook provides:

It is counsel's responsibility to attach documentation to support the claims made as exhibits. Documentation may include receipts, orders and stipulations of the parties. Counsel must ensure that any receipts are self-explanatory (i.e., receipts for service shall include the names of the individuals, why they were served, where they were served, and the cost for service). The taxation clerk will disallow any expenses that do not have itemized or supporting documentation.

Bill of Costs Handbook, § I(C).

Plaintiff did not file a brief in opposition to Defendant's motion. Having reviewed Defendant's amended documentation, the Court finds that Defendants are entitled to costs in the amount of \$2,564.63 for its witness and transcript fees, pursuant to the Bill of Costs Handbook, §§ II(C)(1), II(E)(1).

Accordingly, **IT IS ORDERED** that Defendant's Motion for the Court to Review Clerk's Denial of Bill of Costs [69] and Denial of Amended Bill of Costs [71], Dkt. No. 72, is **GRANTED**, to the extent that Defendant is awarded \$2,564.63 in transcript and witness fees.

Dated: April 14, 2016

/s/Gershwin A Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge